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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,531

03/11/2004

Kurt Brooks Uhler

N0185US

8760

37583 7590 04/08/2008
NAVTEQ NORTH AMERICA, LLC
425 West RANDOLPH STREET
SUITE 1200, PATENT DEPT
CHICAGO, IL 60606

EXAMINER

HU, KANG

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

04/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/798,531	Applicant(s) UHLIR ET AL.	
	Examiner KANG HU	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/11/2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/9/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment to non-final action dated 12/6/2007 has been entered. Currently claims 1-27 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Submitted Prior Art "Virtual GIS: a Real-time 3D Geographic Information System" hereon after known as Virtual GIS in view of Microsoft Flight Simulator 2004, A Century of Flight hereon after known as Microsoft Flight Sim.

Re claim 1, Virtual GIS teaches a real time 3D geographic information system comprising: a map database containing data that represent roads in a real-world geographic locale on page 2, where Virtual GIS discloses "Planners for new buildings or other facilities can see full 3D views from their prospective sites or can see the view from nearby existing buildings with their planned facility in place. Urban planners can see the layout of streets, buildings, and parks on their actual topography can thus ... they can use the GIS database to display distribution of commercial activities..."; a user interface (page 2);

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Virtual GIS does not explicitly teach that the real time 3D geographic information system is used for gaming purposes therefore does not teach of a game engine program. However it is well-known that such system can be used for a variety of purposes including commercial, gaming, or others. Some of the prior art that was cited by the applicant uses such virtual GIS database to display realistic and animated graphics to the user, such games include but are not limited to "True Crime: Streets of LA, Sim City 2000, Sim Copter, Microsoft Flight Simulator 2002, 2004, Terra Scene Scenery Generation System." Some of these games, specifically Microsoft Flight Sim includes a game engine program configured for running on a computer platform and for presenting a computer game scenario to a user via the user interface; Microsoft Flight Sim does not explicitly teach of application programming interface program, however it would be inherent as the game requests geographic data from the geographic database. an application programming interface program configured for running on the computer platform, for accepting requests for data from the game engine program, for accessing data from the map database, and for providing data in a suitable format to the game engine program; wherein the map database, the user interface, the game engine program, and the application programming interface program are stored on at least one computer-readable medium. It would have been prima facie obvious that Virtual GIS can be used with any games such as Microsoft Flight Sim to provide a more realistic animated graphics.

Re claim 2, the computer-game system further comprising a 3D function configured to converting geographic data from the map database to a perspective view for display in the computer game (page 4 of Virtual GIS).

Re claim 3, a smoothing function configured for determining a curve through data points used in the map database to represent a linearly extending feature, wherein the curve is used for display of the linearly extending feature in the computer game (section 2.4 of Virtual GIS).

Re claim 4, an integration function configured for combining road model data with data that represent roads from the map database to provide a realistic visual appearance of road-related things (Section 2.2 of Virtual GIS).

Re claim 5, the road related things include at least one selected from the group consisting of: road colors, road pavement, lane strips, curbs, sidewalks, signs, lamp posts, lane dividers, traffic signals, speed bumps and crosswalks (Section 2.2 of Virtual GIS).

Re claim 6, an integration function configured for combining 3D model data with data that represent roads from the map database to provide a realistic visual representation of polygon shaped features in the geographic locale (Section 2.2 of Virtual GIS).

Re claim 7, an integration function configured for combining 3D model data with data that represent roads from the map database to provide a realistic visual representation of cityscape and landscape features in the geographic locale (Section 2.2 of Virtual GIS).

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Re claim 8, an integration function configured for combining 3D model data with data that represent roads from the map database to provide a realistic visual representation of one of the group consisting of: buildings, fences, trees, shrubbery, lawns, fences, and clouds in the geographic locale (Section 2.2 of Virtual GIS).

Re claim 9, virtual GIS does not explicitly teach of application programming interface program is further configured for providing for spatial queries of data from the map database, however such spatial relationships are well defined in the geographical database of Virtual GIS for allowing the use of geometry data types such as points, lines and polygons.

Re claim 10, a game application shell that includes basic logic, rules, strategy, and characters for a type of computer game, wherein the game application shell is configured for access by the game engine program (Microsoft Flight Sim).

Re claim 11, computer game is of a type selected from a group consisting of: a road rally game, a police chase game, a location quiz game, a “bot” fighter game, a flight simulator game, a “first-person shooter” game, an auto theft game, and an urban development simulator game (Microsoft Flight Sim).

Re claim 12, the game engine program is configured for performing specific tasks and for operating on an as-needed basis during game play (Microsoft Flight Sim).

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Re claim 13, game engine program comprises at least one selected from the group consisting of: audio engines, logic engines, rules engines, animation engines, graphics engines, and user interface engines (Microsoft Flight Sim).

Re claims 14-27, the method of operating a computer game having the same limitations as claims 1-13 above will not be repeated herein.

Response to Arguments

4. Applicant's arguments with respect to claims 1 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KANG HU whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

/Kang Hu/
Examiner, Art Unit 3714